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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,285	11/18/2003	Mark Robert Kohls	132820IT/YOD GEMS:0231	6082
7590	09/24/2004		EXAMINER NGHIEM, MICHAEL P	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/716,285	Applicant(s) KOHLS, MARK ROBERT	
	Examiner Michael P Nghiem	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2 and 6 are objected to because of the following informalities:
  - claim 2 lacks a period.
  - claim 6, "the solid medium" (line 3) lacks antecedent basis.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-22, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohls (DE 101 50 364).

Regarding claims 1, 9, 13, and 19, Kohls discloses a physiological monitoring system and method (Fig. 1), comprising:

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- a data acquisition component (12) configured to acquire a set of physiological data (Fig. 1);

- a data processing component (25) configured to generate a set of high-resolution symbols from the set of physiological data (25 converts the physiology data to video-like form, Fig. 1); and

- a printing component (paragraph 0024, line 8) configured to print at least the plurality of high resolution symbols onto a suitable medium (paragraph 0024).

Regarding claims 2, 10, 14, 18, and 20, Kohls discloses that the set of physiological data comprises a set of ECG data (paragraph 0015, lines 1-3)

Regarding claims 3, 11, 16, and 22, Kohls discloses that the printing component is configured to print the plurality of high-resolution symbols with a printout of the set of physiological data (paragraph 0024, lines 6-9).

Regarding claim 4, Kohls discloses two or more sensor leads (14) connected to the data acquisition component via respective lead wires (13).

Regarding claims 5 and 29, Kohls discloses a storage component (46) configured to receive at least one of the set of physiological data and the plurality of high-resolution symbols (Fig. 1).

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Regarding claims 17 and 27, Kohls discloses:

- a routine for acquiring a set of physiological data representative of one or more physiological parameters of interest (in 12);
- a routine for generating a set of high-resolution symbols from the set of physiological data (in 25);
- a routine for printing the high-resolution symbols (paragraph 0024).

Regarding claim 21, Kohls discloses storing the set of physiological data on a computer-accessible medium (46).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-8, 23-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman (US 20030144699).

Regarding claim 1, Freeman discloses a physiological monitoring system (Fig. 1), comprising:

- a data acquisition component (102, 104) configured to acquire a set of physiological data (Fig. 1);
- a data processing component (134, 106, 108) configured to generate a set of high-resolution symbols from the set of physiological data (paragraph 0032, lines 9-13);
- a printing component (120) configured to print at least the plurality of high resolution symbols onto a suitable medium (paragraph 0024).

Regarding claim 6, Freeman discloses a scanning component (optical scanner, paragraph 0076, line 13) configured to read the plurality of high-resolution symbols from the solid medium (paragraph 0076, lines 10-16).

Regarding claims 7, 23 and 27, Freeman discloses a computer program (Fig. 1), provided on one or more computer readable media, for acquiring a set of physiological data (paragraph 0027), comprising:

- a routine for acquiring a set of high-resolution symbols from a printed medium (paragraph 0076, lines 10-14);
- a routine for converting the set of high-resolution symbols to a set of physiological data representative of one or more physiological parameters of interest (paragraph 0076, lines 14-16, paragraphs 0027, 0032).

Regarding claim 24, Freeman discloses that the set of physiological data comprises one or more digital ECG waveforms (paragraph 0032, lines 1-3).

Regarding claim 25, Freeman discloses a routine for storing the set of physiological data on a computer-accessible medium (paragraph 0032, Fig. 1).

Regarding claims 8 and 26, Freeman discloses a routine for printing at least a portion of the set of physiological data (via 120).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bronick et al. (US 6,748,256) discloses a physiology-signal-analysis device (Fig. 1).

Kohls (US 6,520,910) is a US equivalent of German Patent (DE 10150 364).

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Michael Nghiem', with a stylized flourish at the end.

**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**  
Michael Nghiem

September 21, 2004